

 **COPY**

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11
12 Attorneys for Plaintiff P2i, Ltd.

13
14 **UNITED STATES DISTRICT COURT**
 15 **CENTRAL DISTRICT OF CALIFORNIA**
 16 **SANTA ANA DIVISION**
 17

18 P2i, LTD, a United Kingdom private limited
19 company,

20 Plaintiff,

21 v.

22 EUROPLASMA NV, a Belgium private
23 company,

24 Defendant.

Case No. **SACV13-321 CJC(MLGx)**

COMPLAINT AND JURY DEMAND

By Fax

FILED
 2013 FEB 22 PM 1:46
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 SANTA ANA
 BY _____

1 Plaintiff P2i, Ltd (“P2i”) hereby complains against Defendant Europlasma NV
2 (“Europlasma”) and for its causes of action alleges as follows:

3
4 **NATURE OF THE ACTION**

5 1. This is an action for Europlasma’s infringement of P2i’s proprietary rights in a
6 valuable patent covering methods for coating a surface with a protective, polymer layer.
7 The claimed methods include exposing the surface to a pulsed plasma, including a
8 particular chemical compound, so as to form an oil and/or water repellent coating on the
9 surface. P2i alleges that Europlasma has infringed and continues to infringe, directly and in
10 a contributory and induced manner (35 U.S.C. § 271(a), (b), and (c)), one or more claims of
11 U.S. Patent No. RE43,651 (the “’651 Patent”).

12
13 **PARTIES**

14 2. P2i is a private limited company organized and existing under the laws of
15 England, United Kingdom, with its headquarters in Oxfordshire, United Kingdom.

16 3. Upon information and belief, Europlasma is a company organized and existing
17 under the laws of Belgium, with its registered office in Oudenaarde, Belgium.

18
19 **JURISDICTION AND VENUE**

20 4. This is an action for infringement under the patent laws of the United States,
21 35 U.S.C. § 271, *et. seq.* This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and
22 1338(a).

23 5. Upon information and belief, Europlasma has a distributor located in and has
24 sold one or more products that infringe one or more of the claims of the ’651 Patent within
25 this Judicial District. Accordingly, this Court has personal jurisdiction over Europlasma.

26 6. Upon information and belief, venue is proper in this Judicial District under 28
27 U.S.C. § 1400(b) because a Europlasma has committed acts of infringement within this
28 Judicial District.

GENERAL ALLEGATIONS OF FACT

A. P2i's Ownership of the '651 Patent

7. The '651 Patent titled SURFACE COATINGS was duly and legally reissued by the United States Patent and Trademark Office on September 11, 2012. It claims methods of coating a surface with a polymer layer. The claimed methods include exposing the surface to a pulsed plasma including a particular chemical compound so as to form an oil and/or water repellent coating on the surface.

8. The '651 Patent is both valid and enforceable.

9. The '651 Patent was assigned to P2i on February 11, 2013. This assignment was recorded with the United States Patent and Trademark Office on February 12, 2013. The assignment of the '651 Patent to P2i includes the right to pursue legal action to recover for all past, present and future infringement.

10. As a regular part of its business, P2i utilizes the methods claimed in the '651 Patent to form oil and/or water repellent surface coatings on its customers' products.

B. Europlasma's Infringement of the '651 Patent

11. In October 2009, P2i contracted with Europlasma for Europlasma to design machinery that incorporates P2i's technology as claimed in the '651 Patent. Pursuant to the contract, P2i told Europlasma how to design and manufacture machinery that practiced the technology claimed in the '651 patent.

12. Moreover, as a result of its contractual relationship with P2i, Europlasma learned of P2i's technology. And, on information and belief, Europlasma knew or should have known about the '651 Patent.

13. Despite knowledge of P2i's patent, Europlasma has knowingly manufactured and distributed, and continues to manufacture and distribute, equipment and plasma systems (collectively, the "Infringing Systems") that are configured to coat surfaces with a polymer layer in a manner that infringes one or more of the claims of the '651 Patent, including at least Claim 27.

1 14. The Infringing Systems are powered by an RF generator that is configured to
2 work with a pulsed wave.

3 15. Upon information and belief, Europlasma distributes coating compounds, such
4 as 1H,1H,2H,2H-tridecafluorooctyl methacrylate and/or propenoic acid, hepta-
5 decafluorodecyl acrylate that are used in connection with the Infringing Systems so as to
6 form an oil and/or water repellent coating on the surfaces to which they are applied. These
7 coating compounds are of the type of compound that is recited in one or more of the
8 claimed methods. P2i is informed and believes and on that basis alleges that the only
9 substantial use of the Infringing Systems and the accompanying coating compounds
10 infringes the '651 Patent.

11 16. Upon information and belief, Europlasma has distributed and/or sold one or
12 more Infringing Systems and the accompanying coating compounds to one or more
13 customers in this Judicial District. In particular, Europlasma has distributed and/or sold at
14 least one Infringing System and the accompanying coating compounds to Liquipel LLC in
15 Santa Ana, California.

16 17. Upon information and belief, Europlasma has knowingly and explicitly
17 instructed its customers on how to use the Infringing Systems and the accompanying
18 coating compounds in a manner which infringes one or more claims of the '651 Patent,
19 including at least Claim 27.

20 18. Upon information and belief, Europlasma has intentionally demonstrated use
21 of the Infringing Systems and the accompanying coating compounds in a manner that
22 infringes one or more claims of the '651 Patent, including at least Claim 27, to its
23 customers in this Judicial District.

24 19. Upon information and belief, the Infringing Systems and the accompanying
25 coating compounds are being used within this Judicial District in a manner which infringes
26 one or more claims of the '651 Patent, including at least Claim 27.

27 20. As a result of its conduct, Europlasma has directly infringed, contributorily
28 infringed, and induced infringement of the '651 Patent.

1 **C. Europlasma's Infringement Has Harmed and Continues to Harm P2i**

2 21. Europlasma's infringement is damaging P2i, in that, among other things, P2i
3 has lost sales opportunities and revenue in violation of P2i's exclusive rights under the '651
4 Patent.

5 22. P2i has suffered irreparable injury, and will continue to be irreparably injured,
6 if Europlasma is permitted to continue manufacturing and distributing The Infringing
7 Systems and the accompanying coating compounds. The irreparable injury to P2i will
8 continue unless and until Europlasma ceases its unlawful practices.

9
10 **FIRST CAUSE OF ACTION**
11 **(Direct Infringement of the '651 Patent)**

12 23. P2i hereby incorporates the allegations in paragraphs 1 through 22 above as
13 though fully set forth herein.

14 24. Upon information and belief, Europlasma has directly infringed and/or
15 continues to directly infringe one or more claims of the '651 Patent, including at least
16 Claim 27, by demonstrating use of the Infringing Systems and the accompanying coating
17 compounds in an infringing manner to its customers.

18 25. Upon information and belief, Europlasma's direct infringement of the '651
19 Patent was and is willful, intentional, and deliberate.

20 26. Europlasma has caused and will continue to cause P2i substantial damage in
21 an amount to be determined at trial by directly infringing the '651 Patent. Additionally, P2i
22 has suffered and will continue to suffer further irreparable harm, for which it has no
23 adequate remedy at law, unless and until Europlasma is enjoined from directly infringing
24 the '651 Patent.

25 **SECOND CAUSE OF ACTION**
26 **(Contributory Infringement of the '651 Patent)**

27 27. P2i hereby incorporates the allegations in paragraphs 1 through 26 above as
28 though fully set forth herein.

1 28. Europlasma has been and is contributing to the infringement of the '651 Patent
2 by distributing and/or selling the Infringing Systems and the accompanying coating
3 compounds. Indeed, the Infringing Systems and the accompanying coating compounds are
4 being used in a manner that infringes one or more claims of the '651 Patent, including at
5 least Claim 27.

6 29. Upon information and belief, the Infringing Systems and the accompanying
7 coating compounds are knowingly configured and especially made to be used for coating
8 surfaces in a manner that infringes one or more claims the '651 Patent, including at least
9 Claim 27.

10 30. The Infringing Systems and the accompanying compounds are not a staple
11 article or commodity of commerce suitable for substantial noninfringing use.

12 31. Europlasma's contributory infringement of the '651 Patent was and is willful,
13 intentional, and deliberate.

14 32. Europlasma has caused and will continue to cause P2i substantial damage in
15 an amount to be determined at trial by contributorily infringing the '651 Patent.
16 Additionally, P2i has suffered and will continue to suffer further irreparable harm, for
17 which it has no adequate remedy at law, unless and until Europlasma is enjoined from
18 contributorily infringing the '651 Patent.

19
20 **THIRD CAUSE OF ACTION**
21 **(Induced Infringement of the '651 Patent)**

22 33. P2i hereby incorporates the allegations in paragraphs 1 through 32 above as
23 though fully set forth herein.

24 34. Upon information and belief, Europlasma has been and is actively inducing
25 infringement of the '651 Patent by distributing and/or selling the Infringing Systems and
26 the accompanying coating compounds. Indeed, the Infringing Systems and the
27 accompanying coating compounds are being used in a manner that infringes one or more
28 claims of the '651 Patent, including at least Claim 27t.

1 35. Europlasma has knowledge of the '651 Patent and explicitly instructs its
2 customers on how to use the Infringing Systems and the accompanying coating compounds
3 in an infringing manner. Thus, Europlasma knowingly induces its customers to engage in
4 acts that infringe one or more claims of the '651 Patent, including at least Claim 27.

5 36. Upon information and belief, Europlasma's induced infringement of the '651
6 Patent was and is willful, intentional, and deliberate.

7 37. Europlasma has caused and will continue to cause P2i substantial damage in
8 an amount to be determined at trial by inducing infringement of the '651 Patent.
9 Additionally, P2i has suffered and will continue to suffer further irreparable harm, for
10 which it has no adequate remedy at law, unless and until Europlasma is enjoined from
11 inducing infringement of the '651 Patent.

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, P2i respectfully requests that this Court:

- 15
16 A. Enter judgment that Europlasma has directly infringed the '651 Patent;
17 B. Enter judgment that Europlasma has contributorily infringed the '651
18 Patent;
19 C. Enter judgment that Europlasma has induced infringement of the '651
20 Patent;
21 D. Enter an order temporarily, preliminarily, and/or permanently enjoining
22 Europlasma from directly, contributorily, and inducing infringement of
23 the '651 Patent;
24 E. Enter judgment in favor of P2i and against Europlasma for damages for
25 patent infringement pursuant to 35 U.S.C. § 284 in an amount to be
26 determined at trial but in no event less than a reasonable royalty for
27 infringement of the '651 Patent;
28

DEMAND FOR JURY TRIAL

Pursuant to the Federal Rules of Civil Procedure § 38(b), P2i demands a trial by jury for this action on all issues so triable.

Dated: February 22, 2013

Respectfully Submitted,

Bv: /s/ Nathaniel L. Dilger

Peter R. Afrasiabi
Nathaniel L. Dilger
Joseph K. Liu
ONE LLP

Bv: /s/ Kenneth B. Black

Kenneth B. Black (Cal. Bar No. 148026)
STOEL RIVES LLP

Attorneys for Plaintiff, P2i, Ltd.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV13- 321 CJC (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself) **DEFENDANTS** (Check box if you are representing yourself)
P2i, LTD, a United Kingdom private limited company, EUROPLASMA NV, a Belgium private company.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
ONE LLP
4000 MacArthur Blvd, West Tower, Suite 1100
Newport Beach, CA 92660
Tel: 949-502-2870 Fax: 949-258-5081

II. BASIS OF JURISDICTION (Place an X in one box only.)
 1. U.S. Government Plaintiff
 2. U.S. Government Defendant
 3. Federal Question (U.S. Government Not a Party)
 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)
Citizen of This State PTF 1 DEF 1
Citizen of Another State PTF 2 DEF 2
Citizen or Subject of a Foreign Country PTF 3 DEF 3
Incorporated or Principal Place of Business in this State PTF 4 DEF 4
Incorporated and Principal Place of Business in Another State PTF 5 DEF 5
Foreign Nation PTF 6 DEF 6

IV. ORIGIN (Place an X in one box only.)
 1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify)
 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity)
35 U.S.C. § 271, et seq. (Patent Infringement)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS	
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="" type="checkbox"/> 830 Patent	
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS		<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL INJURY		<input type="checkbox"/> 530 General	SOCIAL SECURITY	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	PERSONAL PROPERTY		<input type="checkbox"/> 861 HIA (139Sff)	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 371 Truth in Lending	Other: <input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))	
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))	
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	BANKRUPTCY		FEDERAL TAX SUITS	
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY		
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY		CIVIL RIGHTS		<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	LABOR		
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act		
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations		
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act		
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act		
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation		
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act		

FOR OFFICE USE ONLY: Case Number: **SACV13-321 CIC(MLGx)**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

BY FAX

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	United Kingdom

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Belgium

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): Matthew D. Stierker DATE: 02/22/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))